

Message

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**From:** Knittel, Janette [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A955F914E8D34CB19B6F63AC60707D32-KNITTEL, JANETTE]  
**Sent:** 3/19/2018 10:40:32 PM  
**To:** Valdez, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb323347294d44009a369c3576798bdf-Valdez, Heather]; Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]  
**Subject:** (draft) Request for clarification re: CWMNW ORU Mod M118

Lynne and Heather,

## Attorney Client / Deliberative Process / Ex. 5

Thanks,  
Janette

Janette Knittel  
U.S. EPA Region 10  
Office of Air and Waste  
RCRA Corrective Action, Permits, and PCBs Unit  
1200 6th Ave, Suite 900, OAW-150  
Seattle, WA 98101  
206-553-0483  
[knittel.janette@epa.gov](mailto:knittel.janette@epa.gov)

Message

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**From:** Valdez, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb323347294d44009a369c3576798bdf-Valdez, Heather]  
**Sent:** 3/23/2017 8:50:47 PM  
**To:** Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]; Timothy.Oliver@akana.us; Obbink, Elizabeth [USA] [obbink\_elizabeth@bah.com]  
**CC:** Knittel, Janette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a955f914e8d34cb19b6f63ac60707d32-Knittel, Janette]  
**Subject:** Air and RCRA Relationship - Internal Deliberative  
**Attachments:** RCRA-CAA OverlapGuidance\_8 4 16 draft PSC OECA LDD - hv notes .docx

Internal Deliberative

Hi Lynne and Janette, so I also have contractor support that I can access to help think about this question. The contractor whom I am working with on combustion type questions has looked at this facility in the past too. So that is great.

Hi Libby, I need to give Tim another task, this is for a different facility, Chem Waste in OR. I need his review and feedback on the questions I have put together below.

I have some initial thoughts below in purple, I still want to look through the guidance and training materials that I have related to Subpart x more and see if I can find anything that contemplates how to deal with things when air regulations might also apply.

Hi Tim, I look forward to what your thoughts are given your experience with Subpart X and thinking about this facility.

**Attorney Client / Ex. 5**

# **Attorney Client / Ex. 5**

# Attorney Client / Ex. 5

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Heather Valdez  
RCRA Project Manager, Chemical Engineer  
RCRA Corrective Actions, Permits and PCBs Unit  
Office of Air and Waste  
EPA Region 10  
1200 6th Ave, Suite 900, AWT-150, Seattle, WA 98101  
(206) 553-6220  
[valdez.heather@epa.gov](mailto:valdez.heather@epa.gov)



## Appointment

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**From:** McArthur, Lisa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=524660efbdb140e7868646d8073f0c72-McArthur, Lisa]  
**Sent:** 3/29/2017 7:44:45 PM  
**To:** Valdez, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb323347294d44009a369c3576798bdf-Valdez, Heather]; Knittel, Janette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a955f914e8d34cb19b6f63ac60707d32-Knittel, Janette]; Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]  
**Subject:** Chem Waste ORU  
**Location:** Lisa's office  
**Start:** 4/4/2017 8:00:00 PM  
**End:** 4/4/2017 9:00:00 PM  
**Show Time As:** Tentative

**Required Attendees:** Heather Valdez; Knittel, Janette; Davies, Lynne

**Attorney Client / Ex. 5**

Message

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**From:** Davies, Lynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=169EB6CBDEBB4CAF85F76390B8AB2674-LDAVIE12]  
**Sent:** 4/17/2017 9:04:48 PM  
**To:** Valdez, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb323347294d44009a369c3576798bdf-Valdez, Heather]; Knittel, Janette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a955f914e8d34cb19b6f63ac60707d32-Knittel, Janette]; Vergeront, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=99966bfa656f4d7c85b4b370f8b33c0e-Vergeront, Julie]  
**CC:** McArthur, Lisa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=524660efbdb140e7868646d8073f0c72-McArthur, Lisa]  
**Subject:** ChemWaste ORU: Compiled Email Responses  
**Attachments:** 17 04 17 ChemWaste ORU2 Emails.docx; Example of RCRA Permit for OAES overlap with equivalent CAA Subparts.docx; DH comments on Giant Title V permit (6-8-2006).pdf; app-a-thermal-oxidizer.pdf

Hi all – Attached is a draft of our questions and the responses we have received to date.

Attorney Client / Deliberative Process / Ex. 5

## Attorney Client / Deliberative Process / Ex. 5

From the responses, it seems like we have a lot to talk about!

Best,  
Lynne

Lynne Davies  
Attorney-Advisor  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900, ORC -113  
Seattle, WA 98101  
(206) 553-5556

Message

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**From:** Davies, Lynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=169EB6CBDEBB4CAF85F76390B8AB2674-LDAVIE12]  
**Sent:** 4/7/2017 5:02:50 PM  
**To:** Schanilec, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=299def84406741bcadb7bcd97cfe69a8-Schanilec, Kevin]  
**Subject:** ChemWaste [Attorney Client / Deliberative Process / Ex. 5]  
**Attachments:** SA 22 Draft Clean.docx

Kevin! We have a question about an organic recovery unit at the ChemWaste facility in Oregon.

[Attorney Client / Deliberative Process / Ex. 5]

## Attorney Client / Deliberative Process / Ex. 5

Once we decide this question, then I can jump in and provide an analysis as to whether ChemWaste is exempt from any RCRA air emissions requirements (AA/BB/CC).

THANK YOU!  
Lynne

Lynne Davies  
Attorney-Advisor  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900, ORC -113  
Seattle, WA 98101  
(206) 553-5556

Message

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**From:** Davies, Lynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=169EB6CBDEBB4CAF85F76390B8AB2674-LDAVIE12]  
**Sent:** 2/27/2017 10:55:55 PM  
**To:** Matthews, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7053a5f530944120bfe765ca4d8cbe0d-Matthews. Julie]  
**Subject:** ChemWaste: Time-sensitive Question from OAW  
**Attachments:** 17 02 27 Chem Waste Attorney Client / Deliberative Process / Ex. 5; 53 Fed Reg 37920.pdf

Hi Julie –

Attached is a short response to two questions from Lisa McArthur that I received on Friday and that ODEQ would like a response to ASAP. I also discussed this issue at length with Andy and emailed a permits guru in HQ to see if other regions dealt with similar questions.

## Attorney Client / Deliberative Process / Ex. 5

**Attorney Client / Deliberative Process / Ex. 5**

Many thanks!  
Lynne



Message

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**From:** McArthur, Lisa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=524660efbdb140e7868646d8073f0c72-McArthur, Lisa]  
**Sent:** 6/19/2017 8:30:21 PM  
**To:** Knittel, Janette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a955f914e8d34cb19b6f63ac60707d32-Knittel, Janette]; Valdez, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb323347294d44009a369c3576798bdf-Valdez, Heather]  
**CC:** Olson, Lisa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d02f0d41a11a4bc696a74066f6ac82a8-Olson, Lisa]; Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]; McArthur, Lisa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=524660efbdb140e7868646d8073f0c72-McArthur, Lisa]  
**Subject:** Conversation with R6 on thermal desorber issue

Today Susan Spalding and I talked about the thermal desorption issues that both of us are having.

## Attorney Client / Deliberative Process / Ex. 5

Thanks,

Lisa

Lisa McArthur  
RCRA Corrective Action, Permits and PCB Manager  
Office of Air and Waste  
EPA Region 10  
(206) 553-1814  
mcarthur.lisa@epa.gov

Message

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**From:** Knittel, Janette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a955f914e8d34cb19b6f63ac60707d32-Knittel, Janette]  
**Sent:** 6/6/2017 7:49:57 PM  
**To:** McArthur, Lisa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=524660efbdb140e7868646d8073f0c72-McArthur, Lisa]; Valdez, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb323347294d44009a369c3576798bdf-Valdez, Heather]; Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]  
**Subject:** for review: draft memo to Don with attachments  
**Attachments:** Draft 17 06 06 Chem Waste Don Dossett Memo.docx; RO 13657.pdf; RO 14266.pdf; SA 22 Draft Clean.docx; 4-27-90 Preamble Proposed Rule 55FR17869 - Definitions of infrared incinerators.pdf; 11-0002-SI-01-PmtMod1-28517-FNL.docx; 11-0002-SI-01-RRmod1-28517-FNL.docx

Hi. For your review – attached memo (“Draft 17 06 06...”). The other attachments are those listed at the bottom of the memo. We left Lynne’s name off the memo because Don had said he just wanted to meet with staff/managers (no attys).

Lynne, I made some changes and added “draft” to the filename.

Like I said, I’d like to get this to Don today but if that doesn’t happen then so be it. I’m back on Tuesday June 13.

## Attorney Client / Deliberative Process / Ex. 5

Thanks,  
Janette

Janette Knittel  
U.S. EPA Region 10  
Office of Air and Waste  
RCRA Corrective Action, Permits, and PCB Unit  
1200 6<sup>th</sup> Ave, Suite 900, OAW-150  
Seattle, WA 98101-3140  
206-553-0483  
[knittel.janette@epa.gov](mailto:knittel.janette@epa.gov)

Message

**From:** Valdez, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb323347294d44009a369c3576798bdf-Valdez, Heather]  
**Sent:** 3/28/2017 9:33:09 PM  
**To:** Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]  
**CC:** Knittel, Janette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a955f914e8d34cb19b6f63ac60707d32-Knittel, Janette]  
**Subject:** FW: Chem Waste issued (simple air permit)  
**Attachments:** CWMNW RCRA Part B Permit Lang Rev. 28.pdf; Standalone 19 ORU M096.pdf

Hi Lynne, this is what we for the current ORU in the existing RCRA Permit .

---

Heather Valdez  
RCRA Project Manager, Chemical Engineer  
RCRA Corrective Actions, Permits and PCBs Unit  
Office of Air and Waste  
EPA Region 10  
1200 6th Ave, Suite 900, AWT-150, Seattle, WA 98101  
(206) 553-6220  
[valdez.heather@epa.gov](mailto:valdez.heather@epa.gov)



---

**From:** Knittel, Janette  
**Sent:** Wednesday, March 15, 2017 11:21 AM  
**To:** Valdez, Heather <[Valdez.Heather@epa.gov](mailto:Valdez.Heather@epa.gov)>; Davies, Lynne <[Davies.Lynne@epa.gov](mailto:Davies.Lynne@epa.gov)>  
**Subject:** RE: Chem Waste issued (simple air permit)

Heather and Lynne,  
Attached are the current permit and Standalone Document 19. Keep in mind that this is for the existing ORU not the new one. Let me know if you want to see any of the other Standalone Docs in the permit.  
-Janette

---

**From:** Valdez, Heather  
**Sent:** Wednesday, March 15, 2017 11:16 AM  
**To:** Knittel, Janette <[Knittel.Janette@epa.gov](mailto:Knittel.Janette@epa.gov)>; Davies, Lynne <[Davies.Lynne@epa.gov](mailto:Davies.Lynne@epa.gov)>  
**Subject:** RE: Chem Waste issued (simple air permit)

Hi Janette, do we have a copy of the RCRA Permit? I

**Attorney Client / Deliberative Process / Ex. 5**

**Attorney Client / Deliberative Process / Ex. 5**

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Heather Valdez  
RCRA Project Manager, Chemical Engineer  
RCRA Corrective Actions, Permits and PCBs Unit  
Office of Air and Waste  
EPA Region 10

1200 6th Ave, Suite 900, AWT-150, Seattle, WA 98101  
(206) 553-6220  
[valdez.heather@epa.gov](mailto:valdez.heather@epa.gov)



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**From:** Knittel, Janette  
**Sent:** Monday, March 13, 2017 3:31 PM  
**To:** Valdez, Heather <[Valdez.Heather@epa.gov](mailto:Valdez.Heather@epa.gov)>; Davies, Lynne <[Davies.Lynne@epa.gov](mailto:Davies.Lynne@epa.gov)>  
**Subject:** FW: Chem Waste issued (simple air permit)

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**From:** DUVAL Rich [<mailto:rich.duval@state.or.us>]  
**Sent:** Monday, March 13, 2017 3:17 PM  
**To:** Knittel, Janette <[Knittel.Janette@epa.gov](mailto:Knittel.Janette@epa.gov)>  
**Subject:** FW: Chem Waste issued

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**From:** WELCH Doug  
**Sent:** Monday, April 25, 2016 2:04 PM  
**To:** Denson, Jim; DUVAL Rich  
**Subject:** FW: Chem Waste issued

FYI

The AQ permit modification for Chem Waste has been issued.

Thanks,  
Doug

---

**From:** SWOFFORD Nancy  
**Sent:** Monday, April 25, 2016 2:03 PM  
**To:** WELCH Doug  
**Subject:** Chem Waste issued

I just issued the Chem Waste Mod. Documents are attached and also in the x-drive.

The paperwork is in the mail headed your way.

Nancy Swofford  
Air Quality Permit Coordinator  
DEQ ER-Bend Office  
541-633-2021  
[swofford.nancy@deq.state.or.us](mailto:swofford.nancy@deq.state.or.us)  
[www.oregon.gov/DEQ](http://www.oregon.gov/DEQ)



Message

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**From:** Davies, Lynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=169EB6CBDEBB4CAF85F76390B8AB2674-LDAVIE12]  
**Sent:** 4/17/2017 9:07:00 PM  
**To:** Dugan, Brett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e7e3d35883ec452394c57957b57dc7af-Dugan, Bret]  
**Subject:** FW: ChemWaste ORU: Compiled Email Responses  
**Attachments:** 17 04 17 ChemWaste ORU2 Emails.docx; Example of RCRA Permit for OAES overlap with equivalent CAA Subparts.docx; DH comments on Giant Title V permit (6-8-2006).pdf; app-a-thermal-oxidizer.pdf

Hi there Brett – check out the first document, page 5 and the cited email responses.

Thank you!

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**From:** Davies, Lynne  
**Sent:** Monday, April 17, 2017 2:04 PM  
**To:** Valdez, Heather <Valdez.Heather@epa.gov>; Knittel, Janette <Knittel.Janette@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>  
**Cc:** McArthur, Lisa <McArthur.Lisa@epa.gov>  
**Subject:** ChemWaste ORU: Compiled Email Responses

Hi all – Attached is a draft of our questions and the responses we have received to date.

Attorney Client / Deliberative Process / Ex. 5

## Attorney Client / Deliberative Process / Ex. 5

Also, included are two attachments that were sent from Region 4's Denise Housley (Example of RCRA Permit for OEAS Overlap and DH Comments on Giant Title V), and an attachment on a thermal oxidizer from Jim Blough (Region 5).

From the responses, it seems like we have a lot to talk about!

Best,  
Lynne

Lynne Davies  
Attorney-Advisor  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900, ORC -113  
Seattle, WA 98101  
(206) 553-5556

Message

---

**From:** Davies, Lynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=169EB6CBDEBB4CAF85F76390B8AB2674-LDAVIE12]  
**Sent:** 4/12/2017 8:25:25 PM  
**To:** Welles, Laura [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d12d5767a8634f48935d8aa59f93d4f6-Welles, Lau]  
**Subject:** FW: ChemWaste: Attorney Client / Deliberative Process / Ex. 5

-----Original Message-----

**From:** Schanilec, Kevin  
**Sent:** Friday, April 7, 2017 11:14 AM  
**To:** Davies, Lynne <Davies.Lynne@epa.gov>  
**Subject:** RE: ChemWaste: Attorney Client / Deliberative Process / Ex. 5

Hi Lynne:

**Attorney Client / Deliberative Process / Ex. 5**

Kevin

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**From:** Davies, Lynne  
**Sent:** Friday, April 7, 2017 10:02 AM  
**To:** Schanilec, Kevin  
**Subject:** ChemWaste: Attorney Client / Deliberative Process / Ex. 5

Kevin! We have a question about an organic recovery unit at the ChemWaste facility in Oregon. Heather

**Attorney Client / Deliberative Process / Ex. 5**

THANK YOU!  
Lynne

Lynne Davies  
Attorney-Advisor  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900, ORC -113  
Seattle, WA 98101  
(206) 553-5556

Message

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**From:** Davies, Lynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=169EB6CBDEBB4CAF85F76390B8AB2674-LDAVIE12]  
**Sent:** 4/7/2017 4:55:04 PM  
**To:** Parker, Jennifer [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1421ff34d844008a9f09fdcf048ace6-Parker, Jennifer]  
**Subject:** FW: ChemWaste: Attorney Client / Deliberative Process / Ex. 5

FYI

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**From:** McArthur, Lisa  
**Sent:** Friday, March 17, 2017 9:46 AM  
**To:** Davies, Lynne <Davies.Lynne@epa.gov>  
**Cc:** Olson, Lisa <Olson.Lisa@epa.gov>  
**Subject:** RE: ChemWaste: Attorney Client / Deliberative Process / Ex. 5

Lynne, can you please make sure to copy Lisa McArthur, and not Lisa Olson? I had relevant information earlier, which I will share with you now. Attorney Client / Deliberative Process / Ex. 5

**Attorney Client / Deliberative Process / Ex. 5**

Lisa

Lisa McArthur  
RCRA Corrective Action, Permits and PCB Manager  
Office of Air and Waste  
EPA Region 10  
(206) 553-1814  
[mcarthur.lisa@epa.gov](mailto:mcarthur.lisa@epa.gov)

---

**From:** Olson, Lisa  
**Sent:** Thursday, March 09, 2017 1:24 PM  
**To:** McArthur, Lisa <McArthur.Lisa@epa.gov>  
**Subject:** FW: ChemWaste: Attorney Client / Deliberative Process / Ex. 5

Hi Lisa,

One more ChemWaste email between Mike Pease and Lynne Davies.

Lisa

*Lisa Olson*  
US EPA Region 10, Office of Air and Waste  
1200 Sixth Avenue, M/S: AWT-150  
Seattle, WA 98101  
Desk: 206-553-0176  
Cell: 206-321-2767

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**From:** Davies, Lynne  
**Sent:** Thursday, March 09, 2017 1:13 PM

**To:** Pease, Michael <pease.michael@epa.gov>  
**Cc:** Olson, Lisa <Olson.Lisa@epa.gov>  
**Subject:** RE: ChemWaste: Attorney Client / Deliberative Process / Ex. 5

Thanks, Mike! I will ask for the information. I agree that it was probably hard to opine without a full set of facts, apologies.

I am going to check with some of our folks and get back to you on next steps. I'm not sure if ODEQ has since changed its mind about whether Attorney Client / Deliberative Process / Ex. 5 so I will ask about this, your other questions, and potential future calls.

As always, thanks so much!  
Lynne

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**From:** Pease, Michael  
**Sent:** Thursday, March 9, 2017 9:25 AM  
**To:** Davies, Lynne <Davies.Lynne@epa.gov>  
**Cc:** Olson, Lisa <Olson.Lisa@epa.gov>  
**Subject:** RE: ChemWaste: Attorney Client / Deliberative Process / Ex. 5

Hi again, Lynne –

I had a chance to raise this issue with some folks here in ORCR today and the overarching message was that more information was needed for folks to be able to opine on the issue. It seems like there may have been other instances

## Attorney Client / Deliberative Process / Ex. 5

Thank you,  
Mike

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**From:** Pease, Michael  
**Sent:** Monday, March 06, 2017 1:24 PM  
**To:** Davies, Lynne <Davies.Lynne@epa.gov>  
**Cc:** Olson, Lisa <Olson.Lisa@epa.gov>  
**Subject:** RE: ChemWaste: Attorney Client / Deliberative Process / Ex. 5

Hi Lynne –  
Just an update: We weren't able to get to this topic last week but should this week, sorry.

And one initial question: Attorney Client / Deliberative Process / Ex. 5



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**From:** Davies, Lynne  
**Sent:** Wednesday, March 01, 2017 12:48 PM  
**To:** Pease, Michael <pease.michael@epa.gov>  
**Cc:** Olson, Lisa <Olson.Lisa@epa.gov>  
**Subject:** RE: ChemWaste: Attorney Client / Deliberative Process / Ex. 5

Thanks, Mike!

## Attorney Client / Deliberative Process / Ex. 5

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**From:** Pease, Michael  
**Sent:** Wednesday, March 1, 2017 9:44 AM  
**To:** Davies, Lynne <Davies.Lynne@epa.gov>  
**Cc:** Olson, Lisa <Olson.Lisa@epa.gov>  
**Subject:** RE: ChemWaste: Attorney Client / Deliberative Process / Ex. 5

Thanks Lynne –

I am hoping to talk to some folks here tomorrow on this. This may also be a good topic for a call such as the monthly permit writer's call where states and regions could offer input for Oregon and R10.

## Attorney Client / Deliberative Process / Ex. 5

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**From:** Davies, Lynne  
**Sent:** Monday, February 27, 2017 5:50 PM  
**To:** Pease, Michael <pease.michael@epa.gov>  
**Cc:** Olson, Lisa <Olson.Lisa@epa.gov>  
**Subject:** ChemWaste: Attorney Client / Deliberative Process / Ex. 5

Hi Mike,

As promised, the two questions we're vetting here are:

## Attorney Client / Deliberative Process / Ex. 5

Many thanks for your review!

Best,

Lynne

Message

**From:** Knittel, Janette [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A955F914E8D34CB19B6F63AC60707D32-KNITTEL, JANETTE]  
**Sent:** 3/29/2018 4:49:03 PM  
**To:** Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]; Valdez, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb323347294d44009a369c3576798bdf-Valdez, Heather]  
**Subject:** FW: EPA comments re: CWMNW ORU Mod M118

Hi Lynne and Heather. FYI.

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**From:** RAMOZ Gina [mailto:Gina.RAMOZ@state.or.us]  
**Sent:** Monday, March 26, 2018 4:36 PM  
**To:** Knittel, Janette <Knittel.Janette@epa.gov>  
**Subject:** RE: EPA comments re: CWMNW ORU Mod M118

Thank you Janette. We will review these and get back to you as soon as possible.

**Personal Privacy / Ex. 6**

**Personal Privacy / Ex. 6** think he returns to the office on April 5<sup>th</sup>. Thank you.--Gina

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**From:** Knittel, Janette <Knittel.Janette@epa.gov>  
**Sent:** Monday, March 26, 2018 11:33 AM  
**To:** DUSO Dan <Dan.DUSO@state.or.us>; RAMOZ Gina <Gina.RAMOZ@state.or.us>  
**Cc:** Valdez, Heather <Valdez.Heather@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>; McArthur, Lisa <McArthur.Lisa@epa.gov>  
**Subject:** EPA comments re: CWMNW ORU Mod M118

Hi Gina and Dan,

Attached are EPA's comments and questions on the CWMNW permit mod M118 for the Organic Recovery Unit #2. We would be happy to talk through these with you and review the next versions of the documents. Let us know how we can assist. We can be available for a call on March 29<sup>th</sup>, April 4<sup>th</sup> or 5<sup>th</sup>, or later.

Regards,  
Janette

---

**From:** DUSO Dan [mailto:Dan.DUSO@state.or.us]  
**Sent:** Wednesday, March 21, 2018 1:37 PM  
**To:** Knittel, Janette <Knittel.Janette@epa.gov>; DUSO Dan <Dan.DUSO@state.or.us>; RAMOZ Gina <Gina.RAMOZ@state.or.us>  
**Cc:** Valdez, Heather <Valdez.Heather@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>  
**Subject:** RE: Request for clarification re: CWMNW ORU Mod M118

Janette,

Based on what I was able to dig up, the 261.4(a)(12) reference was in one of the early iterations of this PMR and should have been deleted. Rich said it was in several locations and apparently he missed that particular reference. The recycling exemption in 261.6(a)(3)(iv)(C) is the appropriate citation. Hope this helps

Dan

---

**From:** Knittel, Janette <[Knittel.Janette@epa.gov](mailto:Knittel.Janette@epa.gov)>  
**Sent:** Monday, March 19, 2018 4:35 PM  
**To:** DUSO Dan <[Dan.DUSO@state.or.us](mailto:Dan.DUSO@state.or.us)>; RAMOZ Gina <[Gina.RAMOZ@state.or.us](mailto:Gina.RAMOZ@state.or.us)>  
**Cc:** Valdez, Heather <[Valdez.Heather@epa.gov](mailto:Valdez.Heather@epa.gov)>; Davies, Lynne <[Davies.Lynne@epa.gov](mailto:Davies.Lynne@epa.gov)>  
**Subject:** Request for clarification re: CWMNW ORU Mod M118

Hi, Gina and Dan,

Before we send EPA's comments to you on the permit modification for the Organic Recovery Unit #2 (PMR #M118), we'd like some clarification from ODEQ on a fundamental question that may affect our other comments. In Standalone 22 – ORU-2 Design and Operations Plan, Section 2.7 states that wastes with recoverable petroleum fractions are not regulated according to 40 CFR 261.6(a)(3)(iv)(C) (i.e. the recyclable materials exemption) or 40 CFR 261.4(a)(12) (i.e. the oil-bearing secondary materials exclusion). By citing both this section is unclear. At which point does either or both apply and why?

Thanks,  
Janette

Janette Knittel  
U.S. EPA Region 10  
Office of Air and Waste  
RCRA Corrective Action, Permits, and PCBs Unit  
1200 6th Ave, Suite 900, OAW-150  
Seattle, WA 98101  
206-553-0483  
[knittel.janette@epa.gov](mailto:knittel.janette@epa.gov)



April 18, 2019

VIA E-MAIL

Ms. Heather Valdez  
RCRA Project Manager  
EPA Region 10  
1200 Sixth Avenue, Suite 900, AWT-150  
Seattle, Washington 98101

**Subject: Class 3 Permit Modification Request M118  
Chemical Waste Management of the Northwest  
ORD 089 452 353  
Review of Standalone Documents**

Dear Ms. Valdez:

Akana is pleased to provide you with a review of proposed changes to standalone documents 3, 5, 22, and 23 for the above-referenced Class 3 permit modification request (PMR) submitted by Chemical Waste Management of the Northwest, Inc. Changes to these standalone documents were reviewed for accuracy and to ensure compliance with all applicable RCRA regulations.

The Environmental Protection Agency retained Akana to conduct an independent review of these proposed changes with respect to the Class 3 PMR. This review evaluated the above-referenced standalone documents to ensure that the rules and requirements regarding the Class 3 PMR were met in accordance with 40 CFR §270.42(d). The enclosed report presents a summary of Akana's review, as well as our comments and recommendations.

If you have any questions regarding the enclosed comments or recommendations, please contact me at (503) 652-9090.

Respectfully,

A handwritten signature in dark ink, appearing to read "Timothy J. Oliver", is positioned above the printed name.

Timothy J. Oliver, PE  
Sr. Vice President

Enclosure

Akana  
6400 SE Lake Road, Suite 270  
Portland, OR 97222  
akana.us

ED\_002469\_00000124-00001

**ENCLOSURE**

**REVIEW OF STANDALONE DOCUMENTS 3, 5, 22 AND 23  
CHEMICAL WASTE MANAGEMENT OF THE NORTHWEST**

**REVIEW COMMENTS AND RECOMMENDATIONS**

(Four Pages)



## 1.0 TECHNICAL APPROACH

Akana reviewed four standalone documents for a Class 3 Resource Conservation and Recovery Act (RCRA) permit modification request (PMR) for the Chemical Waste Management of the Northwest, Inc. (CWMNW) facility, in Arlington, Oregon. Akana was provided the following documents:

- + Inspection Plan—CWMNW Standalone Document No. 3
- + Closure/Post-Closure Plan, Financial Assurance, Insurance—CWMNW Standalone Document No. 5
- + Organic Recovery Unit #2, Design and Operations Plan—CWMNW Standalone Document No. 22
- + WWTP—#2 Liquid Storage/Treatment Plan—CWMNW Standalone Document No. 23

Comments and findings for each document reviewed are presented in Section 3.0.

The review of documents is limited to an evaluation of the accuracy of the above-reference standalone documents and compliance with applicable RCRA regulatory requirements.

## 2.0 BACKGROUND

The CWMNW Arlington facility is a hazardous waste treatment, storage, and disposal facility located on a 1,288-acre parcel of property. The property is owned by CWMNW. The facility is located approximately 12 miles by road from the town of Arlington, Oregon. On October 23, 2015, CWMNW submitted a Class 3 PMR to install and operate an additional Organic Recovery Unit (ORU-2) to treat and recycle hazardous waste. The ORU is a process that combines several distinct recycling/hazardous waste units.

The proposed modification will add 22 new tank units and 2 miscellaneous units. The PMR included proposed changes to conditions in the base permit, including a new section to address miscellaneous units, a new standalone for ORU-2, and conditions for the application of air emission requirements for ORU-2. The PMR also included major changes to three of the 21 standalone documents and the addition of two new standalone documents—No. 22, to incorporate requirements for the proposed ORU, and No. 23, which contains the design and operational information for the new tank systems in Wastewater Treatment Plant-2 (WWTP-2).

The final scope of this PMR included the permitting of ORU-2 as a recycling unit and the incorporation of 22 new tank units in the area identified as WWTP-2. Major changes were in the inspection plan (standalone 3), the closure/post-closure plan (standalone 5), and the addition of two new standalone documents. Standalone document 22 contains operational parameters of ORU-2's use as a recycling operation. Standalone document 23 contains the design and operational information for the new tank systems in WWTP-2.



# Deliberative Process / Ex. 5





# Deliberative Process / Ex. 5



# Deliberative Process / Ex. 5



# Deliberative Process / Ex. 5



# **Deliberative Process / Ex. 5**



# Deliberative Process / Ex. 5



Message

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**From:** Davies, Lynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=169EB6CBDEBB4CAF85F76390B8AB2674-LDAVIE12]  
**Sent:** 5/18/2017 7:06:52 PM  
**To:** Matthews, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7053a5f530944120bfe765ca4d8cbe0d-Matthews. Julie]  
**Subject:** FW: Met with ODEQ today - updates on Safety Kleen, Chem Waste, Umatilla  
**Attachments:** Oregon HW Permitting Activities20170516.doc

FYI - Oregon updates!

---

**From:** McArthur, Lisa  
**Sent:** Wednesday, May 17, 2017 4:19 PM  
**To:** Knittel, Janette <Knittel.Janette@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>; Hedeem, Roberta <Hedeem.Roberta@epa.gov>; Palumbo, Janice <Palumbo.Jan@epa.gov>  
**Cc:** Olson, Margaret <Olson.Margaret@epa.gov>  
**Subject:** Met with ODEQ today - updates on Safety Kleen, Chem Waste, Umatilla

Please see updates on Safety Kleen, Chem Waste, Umatilla.

## Attorney Client / Deliberative Process / Ex. 5

Lynne, Oregon DEQ was very excited about the FA training that Chris might offer, and during the conversation Lissa mentioned that captive insurance is not accepted in Oregon – you probably already know that, but thought I'd mention it. Also, Lissa mentioned that Rich hasn't received the guidance documents on Chem Waste yet – but I know they were so big, they were going to have to go through the regular post.

## Attorney Client / Deliberative Process / Ex. 5

Lisa McArthur  
RCRA Corrective Action, Permits and PCB Manager  
Office of Air and Waste  
EPA Region 10  
(206) 553-1814  
[mcarthur.lisa@epa.gov](mailto:mcarthur.lisa@epa.gov)

Message

---

**From:** Ogle, Kimberly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CAF714A388A04FCDBE924A7673348CAB-OGLE, KIMBERLY]  
**Sent:** 10/18/2018 4:28:37 PM  
**To:** Magolske, Peter [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8f946e4bc13548d18a3cb35a1f92a592-Magolski, Peter]; Williams, CherylB [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6f82ba563f3448fbbb45b907b7076d37-Williams, Cheryl]; Parker, Jennifer [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1421ff34d844008a9f09fdcf048ace6-Parker, Jennifer]; Schanilec, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=299def84406741bcadb7bcd97cfe69a8-Schanilec, Kevin]  
**CC:** Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]; Knittel, Janette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a955f914e8d34cb19b6f63ac60707d32-Knittel, Janette]  
**Subject:** FW: October 2018 RCRA DDs Meeting - Session 10 (TDUs) Materials  
**Attachments:** Session 10 Materials - TDUs.pdf

Feel free to listen in on this issue (a la ChemWaste in Oregon). Only if you are interested.....optional.

---

**From:** Carr, Stephanie  
**Sent:** Thursday, October 18, 2018 9:17 AM  
**To:** Regional RCRA Directors & Deputies <Regional\_RCRA\_Directors\_\_Deputies@epa.gov>; OLEM ORCR DDS <OLEMORCRDDS@epa.gov>; OLEM ORCR Branch Chiefs <OLEMORCRBranchChiefs@epa.gov>; ORCR IO <ORCR\_IO@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Wright, Peter <wright.peter@epa.gov>; Regional RCRA Program Branch Chiefs <Regional\_RCRA\_Program\_Branch\_Chiefs@epa.gov>; OLEM IO Materials <OLEMIOMaterials@epa.gov>; OLEM ORCR PIID CPB <OLEMORCRPIIDCPB@epa.gov>; OLEM OUST Everyone <OLEMOUSTEveryone@epa.gov>; OUST Regional Division Directors <OUST\_Regional\_Division\_Directors@epa.gov>; OUST Regional Deputy Division Directors <OUST\_Regional\_Deputy\_Division\_Directors@epa.gov>; OUST Regional Program Managers <OUST\_Regional\_Program\_Managers@epa.gov>; OUST Regional Branch Chiefs <OUST\_Regional\_Branch\_Chiefs@epa.gov>; Barrett, Barbara <Barrett.Barbara@epa.gov>; Beling, Christine <beling.christine@epa.gov>; Hanifan, Lynn <Hanifan.Lynn@epa.gov>; Mojica, Ivette <Mojica.Ivette@epa.gov>; Carpenter, Dale <Carpenter.Dale@epa.gov>; Rodriguez, Teresita <Rodriguez.Teresita@epa.gov>; Ajl, Diane <Ajl.Diane@epa.gov>; Briggs-Steuteville, Sheila <Briggs-Steuteville.Sheila@epa.gov>; Truman, Bill <Truman.Bill@epa.gov>; MaGee, Julie <magee.julie@epa.gov>; Banipal, Ben <banipal.ben@epa.gov>; Levy, Pauline <levy.pauline@epa.gov>; Krell, Ronda <krell.ronda@epa.gov>; Collins-Allen, Heather <collins-allen.heather@epa.gov>; Pardue-Welch, Kimberly <Pardue-Welch.Kimberly@epa.gov>; Camp, Christiane <CAMP.CHRISTIANE@EPA.GOV>; McLeod, Julie <McLeod.Julianne@epa.gov>; Kenely, Caroline <Kenely.Caroline@epa.gov>; Lloyd, David <Lloyd.DavidR@epa.gov>; Mottley, Tanya <Mottley.Tanya@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Sullivan, Greg <Sullivan.Greg@epa.gov>; Gardner, Monica <Gardner.Monica@epa.gov>; Neves, Peter <Neves.Peter@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Sander, Matthew

<Sander.Matthew@epa.gov>; Healy, Helena <Healy.Helena@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; DeRobertis, Cecilia <DeRobertis.Cecilia@epa.gov>; Baca, Andrew <Baca.Andrew@epa.gov>; Galbraith, Michael <Galbraith.Michael@epa.gov>; Resek, Elizabeth <Resek.Elizabeth@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Roepe, Wayne <Roepe.Wayne@epa.gov>; Baldwin, Mark <Baldwin.Mark@epa.gov>; Dufficy, Craig <Dufficy.Craig@epa.gov>; Maid, Scott <Maid.Scott@epa.gov>; Goodwin, Debbie <Goodwin.Debbie@epa.gov>; Minter, Marsha <Minter.Marsha@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Manges, Ellen <Manges.Ellen@epa.gov>; Nicholas, David <Nicholas.David@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Rubin, Howard <Rubin.Howard@epa.gov>; Sims, JaniceHQ <Sims.JaniceHQ@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Wilson, Erika <Wilson.Erika@epa.gov>

**Subject:** October 2018 RCRA DDs Meeting - Session 10 (TDUs) Materials

Hello –

Attached please find a pdf copy of materials for **Session 10 – Thermal Desorption Units** for the RCRA Division Directors Meeting on October 23-24, 2018. Materials for other sessions will be provided as soon as possible.

Here are additional details about the meeting (**note room change below**):

October 2018 RCRA Division Directors Meeting

**Dates:** October 23-24

**Meeting Location:** WJC North Room 4530, EPA-HQ, Federal Triangle, Washington DC

Remote Access: → [Join Skype Meeting](#) or call **Personal Phone / Ex. 6**

Meeting Materials: [Available here on SharePoint](#)

**Conference Code:** **Personal Phone / Ex. 6**

Please let me know if you have any questions. Thank you,

Stephanie Carr

Lead Region Coordinator for ORCR/OUST

U.S. EPA-Region 1

Office of Site Remediation & Restoration

5 Post Office Square, Suite 100 (OSRR 07-3)

Boston, MA 02109

Phone: (617) 918-1363



Message

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**From:** Davies, Lynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=169EB6CBDEBB4CAF85F76390B8AB2674-LDAVIE12]  
**Sent:** 3/15/2017 9:30:11 PM  
**To:** Matthews, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7053a5f530944120bfe765ca4d8cbe0d-Matthews. Julie]  
**Subject:** FW: Organic Recovery Unit at Chem Waste

FYI – we’re starting to dig into the ChemWaste issue, but still waiting for ODEQ’s question that will be submitted in writing today.

---

**From:** Davies, Lynne  
**Sent:** Wednesday, March 15, 2017 2:27 PM  
**To:** Valdez, Heather <Valdez.Heather@epa.gov>; Knittel, Janette <Knittel.Janette@epa.gov>  
**Subject:** RE: Organic Recovery Unit at Chem Waste

Hi Heather and Janette – thanks for the permits and standalone documents, as well as this assessment!

I may have found some answers to your questions, Heather:

**Attorney Client / Deliberative Process / Ex. 5**

Thanks!  
Lynne

Lynne Davies  
Attorney-Advisor  
U.S. Environmental Protection Agency, Region 10  
1200 Sixth Avenue, Suite 900, ORC -113  
Seattle, WA 98101  
(206) 553-5556

---

**From:** Valdez, Heather  
**Sent:** Wednesday, March 15, 2017 11:09 AM  
**To:** Davies, Lynne <[Davies.Lynne@epa.gov](mailto:Davies.Lynne@epa.gov)>; Knittel, Janette <[Knittel.Janette@epa.gov](mailto:Knittel.Janette@epa.gov)>  
**Subject:** RE: Organic Recovery Unit at Chem Waste

## Attorney Client / Deliberative Process / Ex. 5

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Heather Valdez  
RCRA Project Manager, Chemical Engineer  
RCRA Corrective Actions, Permits and PCBs Unit  
Office of Air and Waste  
EPA Region 10  
1200 6th Ave, Suite 900, AWT-150, Seattle, WA 98101  
(206) 553-6220  
[valdez.heather@epa.gov](mailto:valdez.heather@epa.gov)



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**From:** Davies, Lynne  
**Sent:** Wednesday, March 15, 2017 10:36 AM  
**To:** Matthews, Julie <[Matthews.Juliane@epa.gov](mailto:Matthews.Juliane@epa.gov)>; McArthur, Lisa <[McArthur.Lisa@epa.gov](mailto:McArthur.Lisa@epa.gov)>; Knittel, Janette <[Knittel.Janette@epa.gov](mailto:Knittel.Janette@epa.gov)>

**Cc:** Valdez, Heather <Valdez.Heather@epa.gov>  
**Subject:** RE: Organic Recovery Unit at Chem Waste

I'm going to look more into this in detail. We had a call with Rich Duval at ODEQ this week and he provided us with facts about the unit. I missed the first 15 min of the meeting, so I am going to check in with Janette and Heather about what I missed, and get back to you all soon with an answer.

Thanks!  
Lynne

---

**From:** Matthews, Julie  
**Sent:** Wednesday, March 15, 2017 10:28 AM  
**To:** McArthur, Lisa <McArthur.Lisa@epa.gov>; Knittel, Janette <Knittel.Janette@epa.gov>  
**Cc:** Valdez, Heather <Valdez.Heather@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>  
**Subject:** RE: Organic Recovery Unit at Chem Waste

## Attorney Client / Deliberative Process / Ex. 5

Juliane Matthews, Manager  
Office of Regional Counsel, Unit 1  
U.S. Environmental Protection Agency- Region 10  
1200 Sixth Avenue, Suite 900, ORC -113  
Seattle, WA 98101  
(206) 553-1169  
[matthews.juliane@epa.gov](mailto:matthews.juliane@epa.gov)

---

**From:** McArthur, Lisa  
**Sent:** Wednesday, March 15, 2017 9:33 AM  
**To:** Matthews, Julie <Matthews.Juliane@epa.gov>; Knittel, Janette <Knittel.Janette@epa.gov>  
**Cc:** Valdez, Heather <Valdez.Heather@epa.gov>; Davies, Lynne <Davies.Lynne@epa.gov>  
**Subject:** RE: Organic Recovery Unit at Chem Waste

## Attorney Client / Deliberative Process / Ex. 5

Lisa

Lisa McArthur  
RCRA Corrective Action, Permits and PCB Manager  
Office of Air and Waste  
EPA Region 10  
(206) 553-1814  
[mcarthur.lisa@epa.gov](mailto:mcarthur.lisa@epa.gov)

**From:** Matthews, Julie  
**Sent:** Tuesday, March 07, 2017 5:16 PM  
**To:** Knittel, Janette <[Knittel.Janette@epa.gov](mailto:Knittel.Janette@epa.gov)>  
**Cc:** Valdez, Heather <[Valdez.Heather@epa.gov](mailto:Valdez.Heather@epa.gov)>; Davies, Lynne <[Davies.Lynne@epa.gov](mailto:Davies.Lynne@epa.gov)>; McArthur, Lisa <[McArthur.Lisa@epa.gov](mailto:McArthur.Lisa@epa.gov)>  
**Subject:** Re: Organic Recovery Unit at Chem Waste

## Attorney Client / Deliberative Process / Ex. 5

Sent from my iPhone

On Mar 7, 2017, at 11:51 AM, Knittel, Janette <[Knittel.Janette@epa.gov](mailto:Knittel.Janette@epa.gov)> wrote:

## Attorney Client / Deliberative Process / Ex. 5

-Janette

**From:** Valdez, Heather  
**Sent:** Monday, March 06, 2017 3:40 PM  
**To:** McArthur, Lisa <[McArthur.Lisa@epa.gov](mailto:McArthur.Lisa@epa.gov)>; Knittel, Janette <[Knittel.Janette@epa.gov](mailto:Knittel.Janette@epa.gov)>  
**Cc:** Matthews, Julie <[Matthews.Juliane@epa.gov](mailto:Matthews.Juliane@epa.gov)>; Davies, Lynne <[Davies.Lynne@epa.gov](mailto:Davies.Lynne@epa.gov)>  
**Subject:** RE: Organic Recovery Unit at Chem Waste

## Attorney Client / Deliberative Process / Ex. 5

## Attorney Client / Deliberative Process / Ex. 5

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Heather Valdez  
RCRA Project Manager, Chemical Engineer  
RCRA Corrective Actions, Permits and PCBs Unit  
Office of Air and Waste  
EPA Region 10  
1200 6th Ave, Suite 900, AWT-150, Seattle, WA 98101  
(206) 553-6220  
[valdez.heather@epa.gov](mailto:valdez.heather@epa.gov)

<image008.jpg> <image012.jpg> <image016.jpg> <image019.jpg> <image021.jpg> <image023.jpg>

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**From:** McArthur, Lisa  
**Sent:** Monday, March 06, 2017 2:43 PM  
**To:** Knittel, Janette <[Knittel.Janette@epa.gov](mailto:Knittel.Janette@epa.gov)>; Valdez, Heather <[Valdez.Heather@epa.gov](mailto:Valdez.Heather@epa.gov)>  
**Cc:** Matthews, Julie <[Matthews.Juliane@epa.gov](mailto:Matthews.Juliane@epa.gov)>  
**Subject:** Organic Recovery Unit at Chem Waste

## Attorney Client / Deliberative Process / Ex. 5

Just let me know what you decide to do, thanks,

Lisa

Lisa McArthur  
RCRA Corrective Action, Permits and PCB Manager  
Office of Air and Waste  
EPA Region 10  
(206) 553-1814  
[mcarthur.lisa@epa.gov](mailto:mcarthur.lisa@epa.gov)

---

**From:** DRUBACK Lissa [<mailto:liisa.druback@state.or.us>]  
**Sent:** Wednesday, March 01, 2017 5:05 PM  
**To:** McArthur, Lisa <[McArthur.Lisa@epa.gov](mailto:McArthur.Lisa@epa.gov)>  
**Cc:** PUCHY Barb <[barb.puchy@state.or.us](mailto:barb.puchy@state.or.us)>; MASON Bill <[bill.mason@state.or.us](mailto:bill.mason@state.or.us)>; DUSO Dan

<[dan.duso@state.or.us](mailto:dan.duso@state.or.us)>; DRUBACK Lissa <[lissa.druback@state.or.us](mailto:lissa.druback@state.or.us)>; DUVAL Rich  
<[rich.duval@state.or.us](mailto:rich.duval@state.or.us)>

**Subject:** RE: CWMNW

Thanks Lisa for getting Bernie's time. That is great. We will make sure we contact Janette early and get an estimate of a good turnaround time on the ASD review report.

As for the ORU, Rich will provide an explanation, when he sends his questions, on why DEQ does not think the new unit needs to be permitted as an incinerator.

---

**From:** McArthur, Lisa [<mailto:McArthur.Lisa@epa.gov>]

**Sent:** Wednesday, March 01, 2017 1:56 PM

**To:** DRUBACK Lissa <[lissa.druback@state.or.us](mailto:lissa.druback@state.or.us)>

**Cc:** Knittel, Janette <[Knittel.Janette@epa.gov](mailto:Knittel.Janette@epa.gov)>

**Subject:** CWMNW

Lissa

Good news, Bernie can be involved in the ChemWaste work! Lee Thomas, an experienced hydrogeologist from Region 4, who is transferring out here, will be the lead, but Bernie will work with him on the project. Just want to let you know that it might be difficult for our hydrogeologists to meet the two-week turnaround time, since Lee is house-hunting in March.

Also, I understand that Rich Duvall will be sending us some questions in writing on the ORU; please include in those questions why you do not think it is an incinerator.

Thank you,

Lisa

Lisa McArthur

RCRA Corrective Action, Permits and PCB Manager

Office of Air and Waste

EPA Region 10

(206) 553-1814

[mcarthur.lisa@epa.gov](mailto:mcarthur.lisa@epa.gov)

Message

---

**From:** Vergeront, Julie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=99966bfa656f4d7c85b4b370f8b33c0e-Vergeront, Julie]  
**Sent:** 4/5/2017 11:01:52 PM  
**To:** Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]  
**Subject:** FW: ORU-2 Design and Operations Plan  
**Attachments:** CFR-2016-title40-vol28-sec260-10-definitions.pdf

Oops! Sorry

**Julie A. Vergeront**  
Assistant Regional Counsel  
EPA Region 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101  
206-553-1497  
vergeront.julie@epa.gov

Confidential communication for internal deliberations only; attorney-client privilege, attorney work product and/or enforcement privilege; do not distribute outside EPA or DOJ

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**From:** Pavitt, John  
**Sent:** Wednesday, April 05, 2017 1:40 PM  
**To:** Vergeront, Julie <Vergeront.Julie@epa.gov>  
**Subject:** RE: ORU-2 Design and Operations Plan

Julie,

**Attorney Client / Deliberative Process / Ex. 5**

## **Attorney Client / Deliberative Process / Ex. 5**

John Pavitt  
US EPA Region 10, Alaska Operations Office  
(907) 271-3688



Message

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**From:** Knittel, Janette [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A955F914E8D34CB19B6F63AC60707D32-KNITTEL, JANETTE]  
**Sent:** 3/23/2018 11:28:06 PM  
**To:** Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]; Valdez, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb323347294d44009a369c3576798bdf-Valdez, Heather]  
**Subject:** FW: ORU-2 recycling exemption  
**Attachments:** RE: Questions from ODEQ - If possible, would love to answer by 3/3/17.

Lynne and Heather,

I came across this email exchange with Rich from last year. I couldn't find a copy of the letter (I'll check with records), not sure they ever sent it to me. That statement was from when the purpose of the mod was to include the Portland Harbor or other waste which of course is different than the mod we're reviewing now.

## Attorney Client / Deliberative Process / Ex. 5

Janette

---

**From:** DUVAL Rich [mailto:rich.duval@state.or.us]  
**Sent:** Wednesday, March 15, 2017 5:38 PM  
**To:** Knittel, Janette <Knittel.Janette@epa.gov>  
**Subject:** RE: ORU-2 recycling exemption

Essentially they are limited to using only material that meets the 261.6 recycling exemption AND is subject to a CAA requirement until the permit mod is approved. This means they are limited to refinery wastes.

---

**From:** Knittel, Janette [mailto:Knittel.Janette@epa.gov]  
**Sent:** Wednesday, March 15, 2017 5:34 PM  
**To:** DUVAL Rich  
**Subject:** RE: ORU-2 recycling exemption

So it might be that when they're ready to start running waste through it, it'll still be under the exemption, right? Or do you expect to have the mod done by then? Not that it would matter at that point because presumably it will be a long while before the non-refinery waste starts coming in. I'm just trying to keep track of the timing.

---

**From:** DUVAL Rich [mailto:rich.duval@state.or.us]  
**Sent:** Wednesday, March 15, 2017 5:14 PM  
**To:** Knittel, Janette <Knittel.Janette@epa.gov>  
**Subject:** RE: ORU-2 recycling exemption

No, ORU-2 is not operating yet. They are completing construction under the 261.6 recycling exemption and will be operating under that provision when doing shakedown and testing. They don't anticipate running actual waste through the system until mid-April.

---

**From:** Knittel, Janette [<mailto:Knittel.Janette@epa.gov>]

**Sent:** Wednesday, March 15, 2017 5:06 PM

**To:** DUVAL Rich

**Subject:** ORU-2 recycling exemption

Hi Rich,

Lisa said she got the following update from Lissa re: Chem Waste. Does this mean the ORU-2 is operating already? Can you send me a copy of the letter and DEQ's response?

"ORU modification – We received a letter from WMI indicating they will run only refinery wastes through the ORU until the permit mod is completed (which would allow for other hazardous wastes to be treated through the unit). As such, the construction and operation of the facility is currently exempt under 40 CFR 261.6(a)(3)(iv)(C)."

Thanks,

Janette

Janette Knittel

U.S. EPA Region 10

Office of Air and Waste

RCRA Corrective Action, Permits, and PCB Unit

1200 6<sup>th</sup> Ave, Suite 900, OAW-150

Seattle, WA 98101-3140

206-553-0483

[knittel.janette@epa.gov](mailto:knittel.janette@epa.gov)

Message

---

**From:** Davies, Lynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=169EB6CBDEBB4CAF85F76390B8AB2674-LDAVIE12]  
**Sent:** 2/28/2017 4:41:34 PM  
**To:** McArthur, Lisa [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=524660efbdb140e7868646d8073f0c72-McArthur, Lisa]  
**CC:** Knittel, Janette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a955f914e8d34cb19b6f63ac60707d32-Knittel, Janette]; Valdez, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb323347294d44009a369c3576798bdf-Valdez, Heather]  
**Subject:** RE: Questions from ODEQ - If possible, would love to answer by 3/3/17.  
**Attachments:** 53 Fed Reg 37920.pdf; 17 02 27 Chem Waste Attorney Client / Deliberative Process / Ex. 5  
**Flag:** Follow up

Hi Lisa -

## Attorney Client / Deliberative Process / Ex. 5

Best,  
Lynne

---

**From:** McArthur, Lisa  
**Sent:** Thursday, February 23, 2017 3:56 PM  
**To:** Davies, Lynne  
**Cc:** Knittel, Janette ; Valdez, Heather  
**Subject:** Questions from ODEQ - If possible, would love to answer by 3/3/17.

Lynne,

## Attorney Client / Deliberative Process / Ex. 5

Let me know, I'd love to answer her by next Friday, March 3. Thank you!

Lisa McArthur  
RCRA Corrective Action, Permits and PCB Manager  
Office of Air and Waste  
EPA Region 10  
(206) 553-1814  
[mcarthur.lisa@epa.gov](mailto:mcarthur.lisa@epa.gov)

Message

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**From:** Davies, Lynne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=169EB6CBDEBB4CAF85F76390B8AB2674-LDAVIE12]  
**Sent:** 5/5/2017 11:05:41 PM  
**To:** Knittel, Janette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a955f914e8d34cb19b6f63ac60707d32-Knittel, Janette]; Valdez, Heather [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=eb323347294d44009a369c3576798bdf-Valdez, Heather]  
**Subject:** FW: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF]  
**Attachments:** 17 05 04 Chem Waste Subpart CC\_Revisions.docx

FYI, Heather and Janette: I thought you would be interested in seeing the HQ email, below. Also, I tried to address some of your comments in the memo. Let me know what you think! See you both next week and have a great weekend,

Lynne

---

**From:** Welles, Laura  
**Sent:** Friday, May 5, 2017 7:37 AM  
**To:** Davies, Lynne <Davies.Lynne@epa.gov>  
**Subject:** FW: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF]

FYI – I meant to send this to you right after I sent it to Mimi. I hope all is well with you. Talk to you next week!

---

**From:** Welles, Laura  
**Sent:** Tuesday, April 25, 2017 12:51 PM  
**To:** Newton, Mimi <Newton.Mimi@epa.gov>  
**Cc:** Colon, Lilybeth <Colon.Lilybeth@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Mostaghim, Negin <Mostaghim.Negin@epa.gov>; Ripp, Thomas <Ripp.Tom@epa.gov>  
**Subject:** Re: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF]

Mimi,

## Attorney Client / Deliberative Process / Ex. 5

# Attorney Client / Deliberative Process / Ex. 5

I hope this answers your question. Please let me, Patrick or Lilybeth know if you have any questions regarding the above information.

Thanks,  
Laura

Laura Welles  
Attorney Advisor  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
(202) 564-2754

---

**From:** Newton, Mimi  
**Sent:** Monday, March 06, 2017 5:44 PM  
**To:** Welles, Laura <[Welles.Laura@epa.gov](mailto:Welles.Laura@epa.gov)>; Ripp, Thomas <[Ripp.Tom@epa.gov](mailto:Ripp.Tom@epa.gov)>; Bellot, Michael <[Bellot.Michael@epa.gov](mailto:Bellot.Michael@epa.gov)>; Chang, Patrick <[Chang.Patrick@epa.gov](mailto:Chang.Patrick@epa.gov)>; Colon, Lilybeth <[Colon.Lilybeth@epa.gov](mailto:Colon.Lilybeth@epa.gov)>

Cc: Crossland, Andy <[Crossland.Andy@epa.gov](mailto:Crossland.Andy@epa.gov)>

Subject: Re: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF)

Hi Laura

## **Attorney Client / Deliberative Process / Ex. 5**

Anyway, that may be more than you were really interested in knowing, but there you have my thoughts.

Mimi Newton  
Assistant Regional Counsel  
US Environmental Protection Agency  
Region 9 (ORC-3)  
75 Hawthorne St.  
San Francisco, CA 94105

(415) 972-3941  
(415) 845-6464 (Alternate Work Location)  
[Newton.Mimi@epa.gov](mailto:Newton.Mimi@epa.gov)

---

**From:** Welles, Laura  
**Sent:** Monday, March 6, 2017 1:49:31 PM  
**To:** Newton, Mimi; Ripp, Thomas; Bellot, Michael; Chang, Patrick; Colon, Lilybeth  
**Cc:** Crossland, Andy  
**Subject:** RE: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF]

Hi Mimi,

**Attorney Client / Deliberative Process / Ex. 5**

Thanks,  
Laura

Laura Welles  
Attorney Advisor  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
(202) 564-2754

---

**From:** Newton, Mimi  
**Sent:** Monday, February 13, 2017 12:44 PM  
**To:** Ripp, Thomas <[Ripp.Tom@epa.gov](mailto:Ripp.Tom@epa.gov)>; Welles, Laura <[Welles.Laura@epa.gov](mailto:Welles.Laura@epa.gov)>; Bellot, Michael <[Bellot.Michael@epa.gov](mailto:Bellot.Michael@epa.gov)>; Chang, Patrick <[Chang.Patrick@epa.gov](mailto:Chang.Patrick@epa.gov)>  
**Cc:** Crossland, Andy <[Crossland.Andy@epa.gov](mailto:Crossland.Andy@epa.gov)>  
**Subject:** Re: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF]

**Attorney Client / Deliberative Process / Ex. 5**



# Attorney Client / Deliberative Process / Ex. 5

I hope that answers a few questions.

Mimi Newton  
Assistant Regional Counsel  
US Environmental Protection Agency  
Region 9 (ORC-3)  
75 Hawthorne St.  
San Francisco, CA 94105  
(415) 972-3941  
(415) 845-6464 (Alternate Work Location)  
[Newton.Mimi@epa.gov](mailto:Newton.Mimi@epa.gov)

---

**From:** Ripp, Thomas  
**Sent:** Monday, February 13, 2017 7:14:33 AM  
**To:** Welles, Laura; Bellot, Michael; Chang, Patrick  
**Cc:** Crossland, Andy; Newton, Mimi  
**Subject:** Re: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF]

# Attorney Client / Deliberative Process / Ex. 5

Tom Ripp  
Pesticides, Waste and Toxics Branch  
202-564-7003 (Tu & W) 6:45 - 4:15  
301-391-6198 (M alternate location) 9:00 - 2:30  
Do not work Thursday or Friday

---

**From:** Welles, Laura  
**Sent:** Friday, February 10, 2017 10:24 AM  
**To:** Bellot, Michael; Chang, Patrick  
**Cc:** Ripp, Thomas; Crossland, Andy  
**Subject:** RE: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF]

# Attorney Client / Deliberative Process / Ex. 5

Thanks,  
Laura

Laura Welles  
Attorney Advisor  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
(202) 564-2754

---

**From:** Bellot, Michael  
**Sent:** Friday, February 10, 2017 9:26 AM  
**To:** Chang, Patrick <[Chang.Patrick@epa.gov](mailto:Chang.Patrick@epa.gov)>  
**Cc:** Welles, Laura <[Welles.Laura@epa.gov](mailto:Welles.Laura@epa.gov)>; Ripp, Thomas <[Ripp.Tom@epa.gov](mailto:Ripp.Tom@epa.gov)>; Crossland, Andy <[Crossland.Andy@epa.gov](mailto:Crossland.Andy@epa.gov)>  
**Subject:** Re: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF]

Laura

Thanks for the quick response. I think a call would be helpful because I don't understand the deeper background on this. Unfortunately, I am on an inspection next week, so it would need to push to the following week.

On Feb 10, 2017, at 9:17 AM, Chang, Patrick <[Chang.Patrick@epa.gov](mailto:Chang.Patrick@epa.gov)> wrote:

Agreed, I'll have to reacquaint myself, too. But as I just noted in the other email thread, it's hard to say anything specific without knowing what the two (or more?) interpretations are.

Patrick S. Chang  
US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office  
202/564-1528 (office); 202/564-5416 (fax)

---

**From:** Welles, Laura  
**Sent:** Friday, February 10, 2017 9:09 AM  
**To:** Bellot, Michael <[Bellot.Michael@epa.gov](mailto:Bellot.Michael@epa.gov)>  
**Cc:** Chang, Patrick <[Chang.Patrick@epa.gov](mailto:Chang.Patrick@epa.gov)>; Ripp, Thomas <[Ripp.Tom@epa.gov](mailto:Ripp.Tom@epa.gov)>; Crossland, Andy <[Crossland.Andy@epa.gov](mailto:Crossland.Andy@epa.gov)>  
**Subject:** FW: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF]

## Attorney Client / Deliberative Process / Ex. 5

Perhaps we can set up a meeting in the next week or so to discuss.

Thanks,  
Laura

Laura Welles  
Attorney Advisor  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
(202) 564-2754

---

**From:** Welles, Laura  
**Sent:** Wednesday, February 08, 2017 4:24 PM  
**To:** Chang, Patrick <[Chang.Patrick@epa.gov](mailto:Chang.Patrick@epa.gov)>  
**Subject:** FW: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF)

Hi Patrick,

## Attorney Client / Deliberative Process / Ex. 5

Laura

Laura Welles  
Attorney Advisor  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
(202) 564-2754

---

**From:** Chang, Patrick  
**Sent:** Wednesday, September 14, 2016 8:36 AM  
**To:** Newton, Mimi <[Newton.Mimi@epa.gov](mailto:Newton.Mimi@epa.gov)>  
**Cc:** Welles, Laura <[Welles.Laura@epa.gov](mailto:Welles.Laura@epa.gov)>; Zabaneh, Mahfouz <[Zabaneh.Mahfouz@epa.gov](mailto:Zabaneh.Mahfouz@epa.gov)>; Colon, Lilybeth <[Colon.Lilybeth@epa.gov](mailto:Colon.Lilybeth@epa.gov)>  
**Subject:** Re: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF)

Sure, please include me.

Sent from my iPhone

On Sep 13, 2016, at 5:22 PM, Newton, Mimi <[Newton.Mimi@epa.gov](mailto:Newton.Mimi@epa.gov)> wrote:

Yes, I am sure you will hear me from over there, shouting on the rooftops when this thing finally goes out for public comment, but I will send you a copy when it does. And Lilybeth. But only Patrick if he is feeling especially masochistic.

Mimi

---

**From:** Welles, Laura  
**Sent:** Tuesday, September 13, 2016 12:00:30 PM

**To:** Newton, Mimi; Chang, Patrick

**Cc:** Zabaneh, Mahfouz; Colon, Lilybeth; Johnson, SusanA; Andrews, Mary

**Subject:** RE: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF)

Sounds good – thanks.

## Attorney Client / Deliberative Process / Ex. 5

Thanks,  
Laura

Laura Welles  
Attorney Advisor  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
(202) 564-2754

---

**From:** Newton, Mimi

**Sent:** Tuesday, September 13, 2016 1:48 PM

**To:** Welles, Laura <[Welles.Laura@epa.gov](mailto:Welles.Laura@epa.gov)>; Chang, Patrick <[Chang.Patrick@epa.gov](mailto:Chang.Patrick@epa.gov)>

**Cc:** Zabaneh, Mahfouz <[Zabaneh.Mahfouz@epa.gov](mailto:Zabaneh.Mahfouz@epa.gov)>; Colon, Lilybeth

<[Colon.Lilybeth@epa.gov](mailto:Colon.Lilybeth@epa.gov)>; Johnson, SusanA <[Johnson.SusanA@epa.gov](mailto:Johnson.SusanA@epa.gov)>; Andrews,

Mary <[Andrews.Mary@epa.gov](mailto:Andrews.Mary@epa.gov)>

**Subject:** Re: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF)

Laura

## Attorney Client / Deliberative Process / Ex. 5

Happy Tuesday!

Mimi Newton  
Assistant Regional Counsel  
US Environmental Protection Agency  
Region 9 (ORC-3)  
75 Hawthorne St.  
San Francisco, CA 94105  
(415) 972-3941  
(415) 845-6464 (Alternate Work Location)  
[Newton.Mimi@epa.gov](mailto:Newton.Mimi@epa.gov)

cc: the usual AA, BB, CC suspects

---

**From:** Welles, Laura

**Sent:** Thursday, August 4, 2016 12:17:33 PM

**To:** Chang, Patrick; Newton, Mimi

**Cc:** Zabaneh, Mahfouz; Colon, Lilybeth; Johnson, SusanA; Andrews, Mary

**Subject:** RE: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF]

Mimi,

**Attorney Client / Deliberative Process / Ex. 5**

## Attorney Client / Deliberative Process / Ex. 5

Let me know if you have any questions.

Thanks,  
Laura

Laura Welles  
Attorney Advisor  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
(202) 564-2754

---

**From:** Chang, Patrick  
**Sent:** Thursday, August 04, 2016 2:49 PM  
**To:** Newton, Mimi <[Newton.Mimi@epa.gov](mailto:Newton.Mimi@epa.gov)>; Welles, Laura <[Welles.Laura@epa.gov](mailto:Welles.Laura@epa.gov)>  
**Cc:** Zabaneh, Mahfouz <[Zabaneh.Mahfouz@epa.gov](mailto:Zabaneh.Mahfouz@epa.gov)>; Colon, Lilybeth <[Colon.Lilybeth@epa.gov](mailto:Colon.Lilybeth@epa.gov)>; Johnson, SusanA <[Johnson.SusanA@epa.gov](mailto:Johnson.SusanA@epa.gov)>; Andrews, Mary <[Andrews.Mary@epa.gov](mailto:Andrews.Mary@epa.gov)>  
**Subject:** RE: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF]

## Attorney Client / Deliberative Process / Ex. 5

Patrick S. Chang  
US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office  
202/564-1528 (office); 202/564-5416 (fax)

---

**From:** Newton, Mimi  
**Sent:** Thursday, August 04, 2016 1:40 PM  
**To:** Chang, Patrick <[Chang.Patrick@epa.gov](mailto:Chang.Patrick@epa.gov)>; Welles, Laura <[Welles.Laura@epa.gov](mailto:Welles.Laura@epa.gov)>  
**Cc:** Zabaneh, Mahfouz <[Zabaneh.Mahfouz@epa.gov](mailto:Zabaneh.Mahfouz@epa.gov)>; Colon, Lilybeth <[Colon.Lilybeth@epa.gov](mailto:Colon.Lilybeth@epa.gov)>; Johnson, SusanA <[Johnson.SusanA@epa.gov](mailto:Johnson.SusanA@epa.gov)>

**Subject:** RE: R9 RCRA air questions [RCRA 40 CFR Part 264 Subpart CC & CAA 40 CFRA Part 61, Subpart FF)

**Attorney Client / Deliberative Process / Ex. 5**

## **Attorney Client / Deliberative Process / Ex. 5**

Pheew!

Mimi Newton  
Assistant Regional Counsel  
US Environmental Protection Agency  
Region 9 (ORC-3)  
75 Hawthorne St.  
San Francisco, CA 94105  
(415) 972-3941  
(415) 947-3570 (fax)  
[Newton.Mimi@epa.gov](mailto:Newton.Mimi@epa.gov)

---

**From:** Chang, Patrick  
**Sent:** Wednesday, August 03, 2016 2:01 PM  
**To:** Welles, Laura <[Welles.Laura@epa.gov](mailto:Welles.Laura@epa.gov)>



**Cc:** Newton, Mimi <[Newton.Mimi@epa.gov](mailto:Newton.Mimi@epa.gov)>; Zabaneh, Mahfouz  
<[Zabaneh.Mahfouz@epa.gov](mailto:Zabaneh.Mahfouz@epa.gov)>

**Subject:** RE: R9 RCRA air questions

Mimi,

**Attorney Client / Deliberative Process / Ex. 5**

Agreed?

Patrick S. Chang  
US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office  
202/564-1528 (office); 202/564-5416 (fax)

---

**From:** Welles, Laura

**Sent:** Wednesday, August 03, 2016 4:55 PM

**To:** Chang, Patrick <[Chang.Patrick@epa.gov](mailto:Chang.Patrick@epa.gov)>

**Cc:** Newton, Mimi <[Newton.Mimi@epa.gov](mailto:Newton.Mimi@epa.gov)>; Zabaneh, Mahfouz  
<[Zabaneh.Mahfouz@epa.gov](mailto:Zabaneh.Mahfouz@epa.gov)>

**Subject:** RE: R9 RCRA air questions

Mimi and Patrick,

**Attorney Client / Deliberative Process / Ex. 5**

## Attorney Client / Deliberative Process / Ex. 5

Please review and let me know if this makes sense to you, etc.

Thanks,  
Laura

Laura Welles  
Attorney Advisor  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
(202) 564-2754

---

**From:** Chang, Patrick  
**Sent:** Wednesday, August 03, 2016 12:57 PM  
**To:** Welles, Laura <Welles.Laura@epa.gov>  
**Cc:** Newton, Mimi <Newton.Mimi@epa.gov>; Zabaneh, Mahfouz  
<Zabaneh.Mahfouz@epa.gov>  
**Subject:** R9 RCRA air questions

Hi Laura,

**Attorney Client / Deliberative Process / Ex. 5**

## **Attorney Client / Deliberative Process / Ex. 5**

Thoughts?

Mimi – Did Lilybeth have any thoughts on these issues?

Patrick S. Chang  
US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office  
202/564-1528 (office); 202/564-5416 (fax)

---

**From:** Newton, Mimi  
**Sent:** Tuesday, July 19, 2016 5:15 PM  
**To:** Chang, Patrick <[Chang.Patrick@epa.gov](mailto:Chang.Patrick@epa.gov)>  
**Cc:** Celeste, Laurel <[celeste.laurel@epa.gov](mailto:celeste.laurel@epa.gov)>; Colon, Lilybeth <[Colon.Lilybeth@epa.gov](mailto:Colon.Lilybeth@epa.gov)>  
**Subject:** Subparts AA, BB and CC requirements for R9 RCRA Facility

Patrick

**Attorney Client / Deliberative Process / Ex. 5**

## **Attorney Client / Deliberative Process / Ex. 5**

cc: Laurel, Lilybeth

Mimi Newton  
Assistant Regional Counsel  
US Environmental Protection Agency  
Region 9 (ORC-3)  
75 Hawthorne St.  
San Francisco, CA 94105  
(415) 972-3941  
(415) 845-6464 (Alternate Work Location)  
[Newton.Mimi@epa.gov](mailto:Newton.Mimi@epa.gov)

Message

---

**From:** Knittel, Janette [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a955f914e8d34cb19b6f63ac60707d32-Knittel, Janette]  
**Sent:** 6/30/2017 8:48:51 PM  
**To:** Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]  
**Subject:** FW: RCRA Permit Integrity Team Monthly Call - 6/28/2017

FYI

---

**From:** McArthur, Lisa  
**Sent:** Friday, June 30, 2017 12:52 PM  
**To:** Spalding, Susan <Spalding.Susan@epa.gov>  
**Cc:** Knittel, Janette <Knittel.Janette@epa.gov>; Olson, Lisa <Olson.Lisa@epa.gov>  
**Subject:** RE: RCRA Permit Integrity Team Monthly Call - 6/28/2017

Thanks, Susan!

Lisa McArthur  
RCRA Corrective Action, Permits and PCB Manager  
Office of Air and Waste  
EPA Region 10  
(206) 553-1814  
[mcarthur.lisa@epa.gov](mailto:mcarthur.lisa@epa.gov)

---

**From:** Spalding, Susan  
**Sent:** Friday, June 30, 2017 12:44 PM  
**To:** McArthur, Lisa <[McArthur.Lisa@epa.gov](mailto:McArthur.Lisa@epa.gov)>  
**Subject:** FW: RCRA Permit Integrity Team Monthly Call - 6/28/2017

# Deliberative Process / Ex. 5

Susan Spalding, Associate Director  
Hazardous Waste Branch  
EPA Region 6  
(214) 665-8022

---

**From:** Colon, Lilybeth  
**Sent:** Friday, June 30, 2017 9:51 AM  
**To:** R9-LND-4-2 <[R9-LND-4-2@epa.gov](mailto:R9-LND-4-2@epa.gov)>; Colon, Lilybeth <[Colon.Lilybeth@epa.gov](mailto:Colon.Lilybeth@epa.gov)>; Buzzell, Tricia <[Buzzell.Tricia@epa.gov](mailto:Buzzell.Tricia@epa.gov)>; Gerhard, Sasha <[Gerhard.Sasha@epa.gov](mailto:Gerhard.Sasha@epa.gov)>; Swetland-Johnson, Karen <[Swetland-Johnson.Karen@epa.gov](mailto:Swetland-Johnson.Karen@epa.gov)>; Gaines, Jeff <[Gaines.Jeff@epa.gov](mailto:Gaines.Jeff@epa.gov)>; Krueger, Anna <[Krueger.Anna@epa.gov](mailto:Krueger.Anna@epa.gov)>; Sommer, Tab <[Sommer.Tab@epa.gov](mailto:Sommer.Tab@epa.gov)>; Pease, Michael <[pease.michael@epa.gov](mailto:pease.michael@epa.gov)>; Kohler, Amanda <[Kohler.Amanda@epa.gov](mailto:Kohler.Amanda@epa.gov)>; Galbraith, Michael <[Galbraith.Michael@epa.gov](mailto:Galbraith.Michael@epa.gov)>; Welles, Laura <[Welles.Laura@epa.gov](mailto:Welles.Laura@epa.gov)>; Leitch, Sharon <[Leitch.Sharon@epa.gov](mailto:Leitch.Sharon@epa.gov)>; Everett, Adolph <[Everett.Adolph@epa.gov](mailto:Everett.Adolph@epa.gov)>; Butler, Elizabeth <[Butler.Elizabeth@epa.gov](mailto:Butler.Elizabeth@epa.gov)>; McGoldrick, Catherine <[McGoldrick.Catherine@epa.gov](mailto:McGoldrick.Catherine@epa.gov)>; Housley, Denise <[Housley.Denise@epa.gov](mailto:Housley.Denise@epa.gov)>; Anderson, Meredith <[Anderson.Meredith@epa.gov](mailto:Anderson.Meredith@epa.gov)>; Setnicar, Mary <[Setnicar.Mary@epa.gov](mailto:Setnicar.Mary@epa.gov)>; Fruitwala, Kishor <[Fruitwala.Kishor@epa.gov](mailto:Fruitwala.Kishor@epa.gov)>; Murrow, Patricia <[Murrow.Patricia@epa.gov](mailto:Murrow.Patricia@epa.gov)>; Newland, Jesse

<Newland.Jesse@epa.gov>; Gross, Barbara <Gross.Barbara@epa.gov>; Olson, Lisa <Olson.Lisa@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Azzam, Nidal <Azzam.Nidal@epa.gov>; Cuevas, David <Cuevas.David@epa.gov>; Loesel, Matthew <loesel.matthew@epa.gov>; Leach, Ronald <Leach.Ronald@epa.gov>; Hansen, Gail <Hansen.Gail@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Zabaneh, Mahfouz <Zabaneh.Mahfouz@epa.gov>; Ruelas, Cynthia <RUELAS.CYNTHIA@EPA.GOV>; Cruz, Amanda <cruz.amanda@epa.gov>; McCullough, Barbara <McCullough.Barbara@epa.gov>; Wicher, Frances <Wicher.Frances@epa.gov>; Sanders-Curry, Madison <sanders-curry.madison@epa.gov>; Page, Jeffrey <Page.Jeffrey@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Crossland, Andy <Crossland.Andy@epa.gov>; Spalding, Susan <Spalding.Susan@epa.gov>; Behan, Frank <Behan.Frank@epa.gov>; Young, Jessica <Young.Jessica@epa.gov>; Faison, George <Faison.George@epa.gov>; Atagi, Tracy <Atagi.Tracy@epa.gov>; Sager, John <Sager.John@epa.gov>

**Subject:** RCRA Permit Integrity Team Monthly Call - 6/28/2017

Hi! Here are my notes from our PIT call on Wednesday, June 28.

Have a happy Independence Day!

Lilybeth Colón  
703-308-2392

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Link to meeting notes: [RCRA Permit Integrity Team Monthly Call - 6/28/2017](#)

## RCRA Permit Integrity Team Monthly Call - 6/28/2017

Wednesday, June 28, 2017  
11:26 AM

**Meeting Date:** 6/28/2017 11:30 AM  
**Location:** PYS - 6621 (Barnes' Conf. Room)  
**Link to Outlook Item:** [click here](#)  
**Invitation Message**  
**Content**  
**Participants**

### Notes

**Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

Message

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**From:** Welles, Laura [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d12d5767a8634f48935d8aa59f93d4f6-Welles, Lau]  
**Sent:** 4/11/2017 9:04:34 PM  
**To:** Davies, Lynne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=169eb6cbdebb4caf85f76390b8ab2674-LDavie12]  
**Subject:** FW: Region 10 Request for Assistance: Chem Waste C  
**Attachments:** SA 22 Draft Clean Highlighted.docx

**Attorney Client / Deliberative Process / Ex. 5**

FYI – this is an email from Tom Martin re: your questions.

Talk to you tomorrow!

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**From:** Martin, Thomas  
**Sent:** Tuesday, April 11, 2017 3:19 PM  
**To:** Welles, Laura <Welles.Laura@epa.gov>  
**Subject:** FW: Region 10 Request for Assistance: Chem Waste C Applicability

**Attorney Client / Deliberative Process / Ex. 5**

**Attorney Client / Deliberative Process / Ex. 5**

**From:** Davies, Lynne  
**Sent:** Monday, April 10, 2017 5:48 PM  
**To:** Mia, Marcia <Mia.Marcia@epa.gov>; Welles, Laura <Welles.Laura@epa.gov>; Martin, Thomas <martin.thomas@epa.gov>  
**Cc:** McArthur, Lisa <McArthur.Lisa@epa.gov>; Knittel, Janette <Knittel.Janette@epa.gov>; Valdez, Heather <Valdez.Heather@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>; Pavitt, John <Pavitt.John@epa.gov>  
**Subject:** Region 10 Request for Assistance: Chem Waste C

**Attorney Client / Deliberative Process / Ex. 5**

Hi Marcia, Laura, and Tom -

**Attorney Client / Deliberative Process / Ex. 5**



# **Attorney Client / Deliberative Process / Ex. 5**

Lynne

Lynne Davies  
Attorney-Advisor  
U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 900, ORC -113  
Seattle, WA 98101  
(206) 553-5556

Message

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**From:** Valdez, Heather [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EB323347294D44009A369C3576798BDF-VALDEZ, HEATHER]  
**Sent:** 11/8/2018 6:59:35 PM  
**To:** 'Audie Huber' [AudieHuber@ctuir.org]  
**Subject:** RE: Comments of the CTUIR DNR on CWM Class 3 Permit Modification

Hi Audie, thank you for coping me.

---

Heather Valdez  
RCRA Project Manager, Chemical Engineer  
RCRA Corrective Actions, Permits and PCBs Unit  
Office of Air and Waste  
EPA Region 10  
1200 6th Ave, Suite 900, AWT-150, Seattle, WA 98101  
(206) 553-6220  
[valdez.heather@epa.gov](mailto:valdez.heather@epa.gov)



---

**From:** Audie Huber <AudieHuber@ctuir.org>  
**Sent:** Thursday, November 08, 2018 10:43 AM  
**To:** Valdez, Heather <Valdez.Heather@epa.gov>  
**Subject:** FW: Comments of the CTUIR DNR on CWM Class 3 Permit Modification

Greetings, I am in receipt of the letter EPA sent to Oregon DEQ on the proposed Class 3 Permit Modification Request for incorporation of the Organic Recovery Unit 2 Tanks into the Chemical Waste Management permit on September 21, 2018, listing you as the contact person. Please find attached the comments of the Confederated Tribes of the Umatilla Indian Reservation regarding the proposed modification. Thank you.

A

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**From:** Audie Huber  
**Sent:** Friday, November 2, 2018 3:20 PM  
**To:** [anderson.david@deq.state.or.us](mailto:anderson.david@deq.state.or.us); [duval.rich@deq.state.or.us](mailto:duval.rich@deq.state.or.us)  
**Cc:** SVETKOVICH Christine <[Christine.SVETKOVICH@state.or.us](mailto:Christine.SVETKOVICH@state.or.us)>; Carl Merkle <[CarlMerkle@ctuir.org](mailto:CarlMerkle@ctuir.org)>; Joe Pitt <[JoePitt@ctuir.org](mailto:JoePitt@ctuir.org)>  
**Subject:** Comments of the CTUIR DNR on CWM Class 3 Permit Modification

Please find attached the comments of the Confederated Tribes of the Umatilla Indian Reservation Department of Natural Resources on the proposed Class 3 Permit Modification Request for incorporation of the Organic Recovery Unit 2 Tanks into the Chemical Waste Management (CWM) of the Northwest Hazardous Waste Permit ORD 089 452 353.

Please contact me at this email address or the numbers below if you have any questions regarding this message. Thank you.

A

Audie Huber  
Intergovernmental Affairs Coordinator  
Department of Natural Resources  
Confederated Tribes of the Umatilla Indian Reservation  
46411 Timine Way  
Pendleton, Oregon 97801

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(f) 541-276-3447

**Personal Privacy / Ex. 6**

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